



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Oil, Gas & Mining

MICHAEL R. STYLER  
Executive Director

JOHN R. BAZA  
Division Director

#### Addendum #1 to Reclamation Contract

April 9, 2007

#### Ash Grove Cement Company, Leamington Plant and Quarry, M/023/004

Mr. Duane Crutchfield, contact for  
Ash Grove Cement Company  
P.O. Box 51  
Nephi, Utah 84648

Bank of America has issued an Irrevocable Standby Letter of Credit amendment in the amount of US \$154,243.00 for escalation to the year 2012. The cumulative reclamation surety amount is US \$4,526,300.00.

This letter serves as an acknowledgment and approval of the following revisions to the Reclamation Contract:

- **SURETY COMPANY:** Bank of America, Letter of Credit Number 3050382 with amendment number 1;
- **SURETY AMOUNT:** Cumulative: Four Million Five Hundred Twenty Six Thousand Three Hundred Dollars, \$4,526,300.00;
- **ESCALATION YEAR:** 2012
- **LEGAL DESCRIPTION:** Any revisions incurred after August 21, 2002 are identified in the Notice of Intention, Mining and Reclamation Plan (as amended), otherwise, Attachment A identifies the legal description;
- **MAP:** Any revisions incurred after August 21, 2002 are identified in the Notice of Intention, Mining and Reclamation Plan (as amended), otherwise, Attachment A, identifies the map.


Nothing herein contained shall vary, alter, or extend any other provision or condition of the Reclamation Contract.

To the extent any conflict exists between this letter addendum and the Reclamation Contract, these terms shall control.

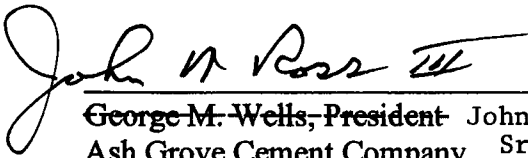
Please acknowledge with your signature, make a copy for your records, and return this letter with original signatures to the Division.

The below signed, acknowledge and accept these revisions and incorporate them into the August 21, 2002 Reclamation Contract.

**ACCEPTED BY:**

  
\_\_\_\_\_  
John R. Baza, Director  
Division of Oil, Gas and Mining

4/13/07  
Date

  
\_\_\_\_\_  
~~George M. Wells, President~~ John H. Ross, III  
Ash Grove Cement Company Sr. Vice President

4/30/07  
Date

BANK OF AMERICA - CONFIDENTIAL

PAGE: 3

DATE: APRIL 5, 2007

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER:

AMENDMENT NUMBER 1

ISSUING BANK  
BANK OF AMERICA, N.A.  
1000 W. TEMPLE STREET  
7TH FLOOR, CA9-705-07-05  
LOS ANGELES, CA 90012-1514

BENEFICIARY  
UTAH DIVISION OF OIL,  
GAS AND MINING  
1594 WEST NORTH TEMPLE,  
SUITE 1210

APPLICANT  
ASH GROVE CEMENT COMPANY  
8900 INDIAN CREEK PARKWAY  
SUITE 600  
OVERLAND PARK, KS 66210

BOX 145801  
SALT LAKE CITY, UT 84114-5801

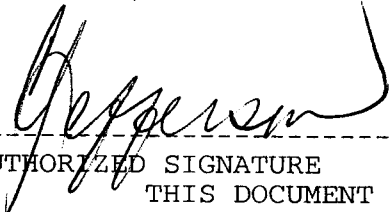
THIS AMENDMENT IS TO BE CONSIDERED AN INTEGRAL PART OF THE ABOVE CREDIT  
AND MUST BE ATTACHED THERETO.

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN INCREASED BY USD 154,243.00  
THE AGGREGATE AMOUNT OF THE CREDIT IS NOW USD 4,526,300.00

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

IF YOU REQUIRE ANY ASSISTANCE OR HAVE ANY QUESTIONS REGARDING THIS  
AMENDMENT, PLEASE CALL 213-481-7839.

  
-----  
AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 1 PAGE(S).

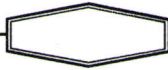
CHERYL JEFFERSON

**RECEIVED**

**APR 06 2007**

DIV. OF OIL, GAS & MINING  
**M10231004**

# ASH GROVE CEMENT COMPANY



11011 CODY STREET  
OVERLAND PARK, KANSAS 66210  
PHONE 913 / 451-8900

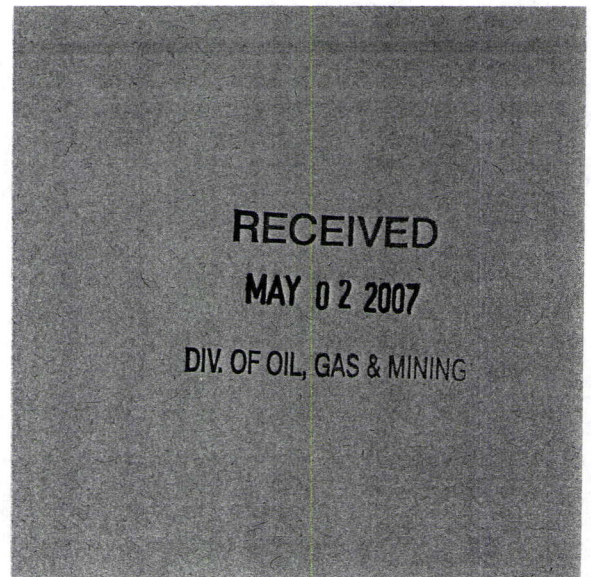
EILEEN FLINK  
ASSISTANT SECRETARY AND  
ASSISTANT GENERAL COUNSEL

FAX 913 / 451-8324  
DIRECT LINE 913 / 319-6005  
E-MAIL eileen.flink@ashgrove.com

April 30, 2007

Mr. John R. Baza  
Division Director  
Division of Oil, Gas & Mining  
Department of Natural Resources  
1594 West North Temple  
Suite 1210  
P. O. Box 145801  
Salt Lake City UT 84114-5801

Re: Ash Grove Cement Company, Leamington, Utah  
Bank of America Standby Letter of Credit  
M/023/004



Dear Mr. Baza:

Enclosed is the original Addendum #1 to Reclamation Contract for the Leamington facility, dated April 9, 2007. The Addendum has been signed on behalf of Ash Grove.

Sincerely,

*Eileen Flink*

Enclosures

Cc w/enc: Duane Crutchfield